

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

|   |   |                          |
|---|---|--------------------------|
| <b>PLANNED PARENTHOOD SOUTHWEST<br/>OHIO REGION, <i>et al.</i>,</b> | : |                          |
|   | : |                          |
|   | : |                          |
| Plaintiffs,   | : | Case No. 1:15-CV-568     |
|   | : |                          |
| v.  | : | Judge Michael R. Barrett |
|   | : |                          |
| <b>BRUCE VANDERHOFF, M.D.,</b>                                      | : |                          |
| <i>In his official capacity as the Director</i>                     | : |                          |
| <i>of the Ohio Department of Health.</i>                            | : |                          |
|   | : |                          |
| Defendant.  | : |                          |

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**PLAINTIFFS' RESPONSE TO NOVEMBER 8, 2023 NOTATION ORDER**

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Plaintiffs submit the following response to this Court's November 8, 2023 notation order permitting the parties to submit supplemental briefing regarding the effect of Article 1, Section 22 of the Ohio Constitution on this matter.

Plaintiffs have pleaded solely federal constitutional claims in this matter. The Parties have each filed Motions for Summary Judgment, and briefing on the Parties' respective Motions is complete as of October 21, 2022. ECF Nos. 186-88, 191-192, 194. Plaintiffs' position is that Article 1, Section 22 of the Ohio Constitution has no impact on Plaintiffs' federal constitutional claims before this court, and thus does not affect the Motion for Summary Judgment briefing. Plaintiffs have not raised any claim under Article 1, Section 22 of the Ohio Constitution in this matter. If Plaintiffs decide to pursue such a claim, they will do so in state court.

Respectfully submitted,

/s/ B. Jessie Hill

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**CERTIFICATE OF SERVICE**

I hereby certify that on December 8, 2023, the foregoing was electronically filed via the Court's e-filing system. Notice of this filing will be sent to all parties for whom counsel has entered an appearance by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ B. Jessie Hill  
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